

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LINDA MATTHEWS,

Plaintiff,

-against-

6:03-CV-0205
(LEK/GHL)

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on May 11, 2006, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(d) of the Northern District of New York. Report-Rec. (Dkt. No. 18).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.¹

Accordingly, it is hereby

¹The Court notes that the block quote appearing on page four of the Report-Recommendation should include a citation to **20 C.F.R. 416.960(c)**, not 20 C.F.R. 416.9630(c). See Report-Rec. (Dkt. No. 18) at 4.

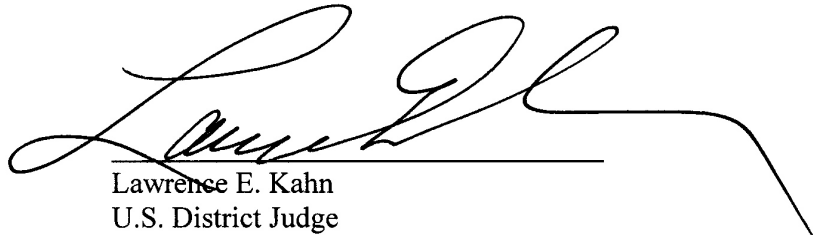
ORDERED, that the Report-Recommendation (Dkt. No. 18) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that this matter is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with the Report-Recommendation of Judge Lowe dated May 11, 2006; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: August 28, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge